

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SCIELE PHARMA, INC. and SCIELE
PHARMA CAYMAN LTD.,

Plaintiffs,

V.

MYLAN PHARMACEUTICALS, INC. and
MYLAN LABORATORIES, INC.,

Defendants.

Civil Action No.07-00664 (GMS)

ORAL ARGUMENT REQUESTED

**DEFENDANT MYLAN'S RULE 12(b)(1) MOTION
TO DISMISS PLAINTIFF SCIELE'S COMPLAINT FOR
LACK OF STANDING AND SUBJECT MATTER JURISDICTION**

Defendants Mylan Pharmaceuticals, Inc. and Mylan Laboratories, Inc. (n/k/a Mylan Inc.), pursuant to Rule 12(b)(1), Fed. R. Civ. P., respectfully move to dismiss the Complaint of Plaintiffs Sciele Pharma, Inc. and Sciele Pharma Cayman Ltd. for lack of standing and subject matter jurisdiction. The grounds for this motion are fully set forth in the accompanying Memorandum of law and Declaration of William A. Rakoczy, filed contemporaneously herewith and incorporated by reference herein.

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*Attorneys for Defendants Mylan
Pharmaceuticals, Inc. and Mylan
Laboratories, Inc. (n/k/a Mylan Inc.)*

Dated: December 18, 2007

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SCIELE PHARMA, INC. and SCIELE
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V.

MYLAN PHARMACEUTICALS, INC. and
MYLAN LABORATORIES, INC.,

Defendants.

Civil Action No. 007-00664 (GMS)

[PROPOSED] ORDER

This matter having been opened to the Court by Defendants, Mylan Pharmaceuticals, Inc. and Mylan Laboratories, Inc. (collectively “Mylan”), by and through its attorneys, on their RULE 12(b)(1) MOTION TO DISMISS PLAINTIFF SCIELE’S COMPLAINT FOR LACK OF STANDING AND SUBJECT MATTER JURISDICTION, the Court having considered all papers in support of and in opposition to Mylan’s motion, and on all prior proceedings herein, and for other good cause shown,

IT IS on the day of December, 2007;

ORDERED AS FOLLOWS:

- (1) Mylan's Motion to Dismiss is GRANTED;
- (2) Plaintiffs' Complaint is DISMISSED.

HONORARY GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE